

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.72287

Nathan Carter  
3700 Captain Wyndale Court Way  
Fort Washington MD 20744

21 Harrison Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 23, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-203; International Building Code (IBC) section 105.1, failure to obtain building permit for work being done to commercial building including demolition on residential property known as 21 Harrison Avenue, 21220.

On January 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Stop Work Notice was issued on January 5, 2010 for failure to obtain building permit for work being done to this commercial building. A Correction Notice was issued on January 11, 2010 for unlawful continuance, failure to stop work without permits in place. This Citation was issued on January 20, 2010.

B. Notes in the file state that this commercial building in Middle River used to be a post office. Notes in the file by Inspector Lewis Mayer state that his initial inspection on January 5, 2010 found demolition work underway inside the building with no permit. Re-inspection on January 11, 2010 found work continuing despite the Stop Work Order and lack of permits. Inspector Mayer entered the building and observed framing being done inside the building. Re-inspection on January 22, 2010 found no response and no permits obtained. Respondent failed to respond to the notices and failed to appear for this Hearing.

C. A Baltimore County building permit is required before a person may erect, construct, repair, alter, remodel, remove, or demolish a building or structure. BCC Section 35-2-301. Respondent has improperly done interior demolition and construction work in this commercial building without obtaining the required building permit and inspections. Respondent must obtain a permit and all required inspections, and may only do building alteration work that meets code and zoning requirements.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. Failure to correct the violations may result in additional Citation with civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$1,500.00 (one thousand five hundred dollars) if the violations are corrected by March 29, 2010, with proper application made to Baltimore County for the required building permit for interior alterations, and all work stopped until such permit is issued.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer